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# Office of Government Information Services

OPEN Government Act of 2007

amended the FOIA to create OGIS  
within the National Archives and Records  
Administration (NARA)

5 U.S.C. § 552(h)(1)



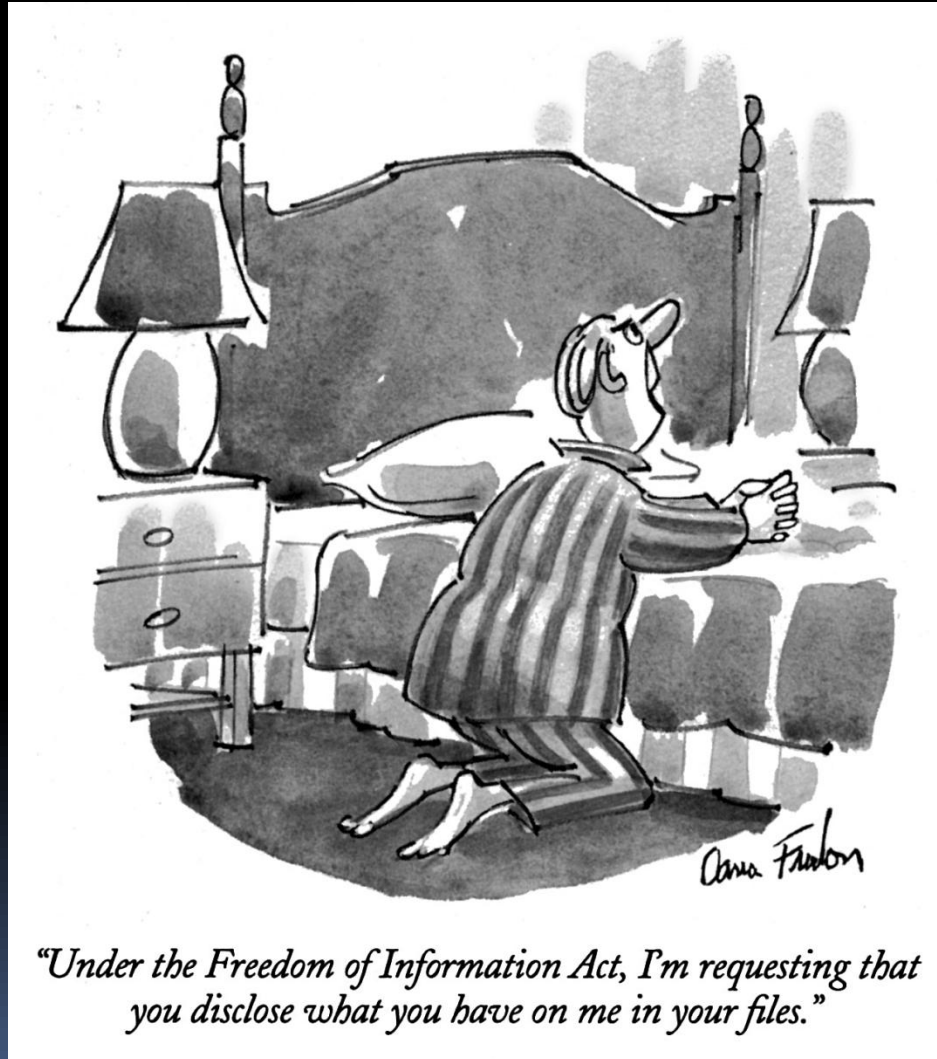
# OGIS Mission as “FOIA Ombudsman”

- Review FOIA compliance, policy and procedures
- Provide mediation services to resolve disputes

# The FOIA Landscape

97 Executive Branch entities: 15  
departments and 82 agencies =  
350 or so components

# The FOIA Landscape



# Reviewing agency compliance and recommending policy changes

- Analyze performance, resources & backlogs (annual reports, data, etc.)
- Review & comment on FOIA regulations
- Collaborative review

# Providing Mediation Services

- Mediation
- Facilitation
- Ombuds Services

# Providing Mediation Services

OGIS's processes are not:

- Litigation – this is not an adversarial process
- Mandatory – participation by all parties is voluntary
- Binding – no third party will decide on your behalf
- Public – unlike litigation, this is conducted in confidence



# The OGIS Process (1)

## OGIS's role:

- Reach out to both parties
- Gather facts
- Identify issues
- Work with parties to identify solutions
- Facilitate resolution

# The OGIS Process (2)

## FOIA Public Liaison's role:

- Work with OGIS to gather facts and facilitate resolution
- Continue to prevent and resolve disputes from within

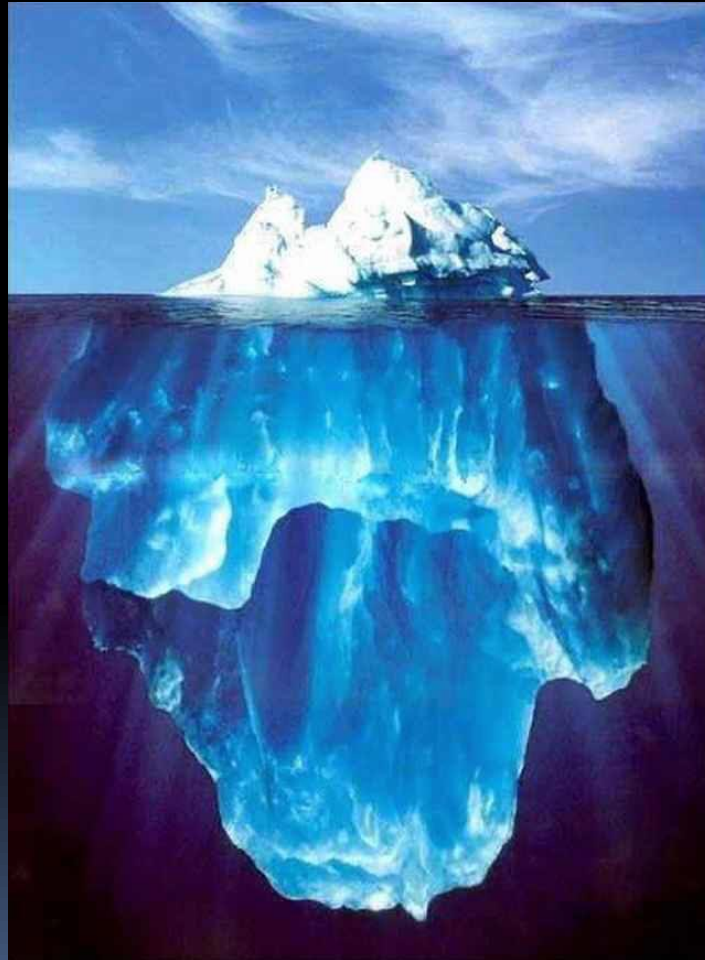
# Case Study

# The FOIA Dispute Resolution Process

1. Conduct fact finding
2. Identify issues
3. Brainstorm options
4. Facilitate resolution
5. Reflect on lessons learned

The key is moving from positions  
to interests

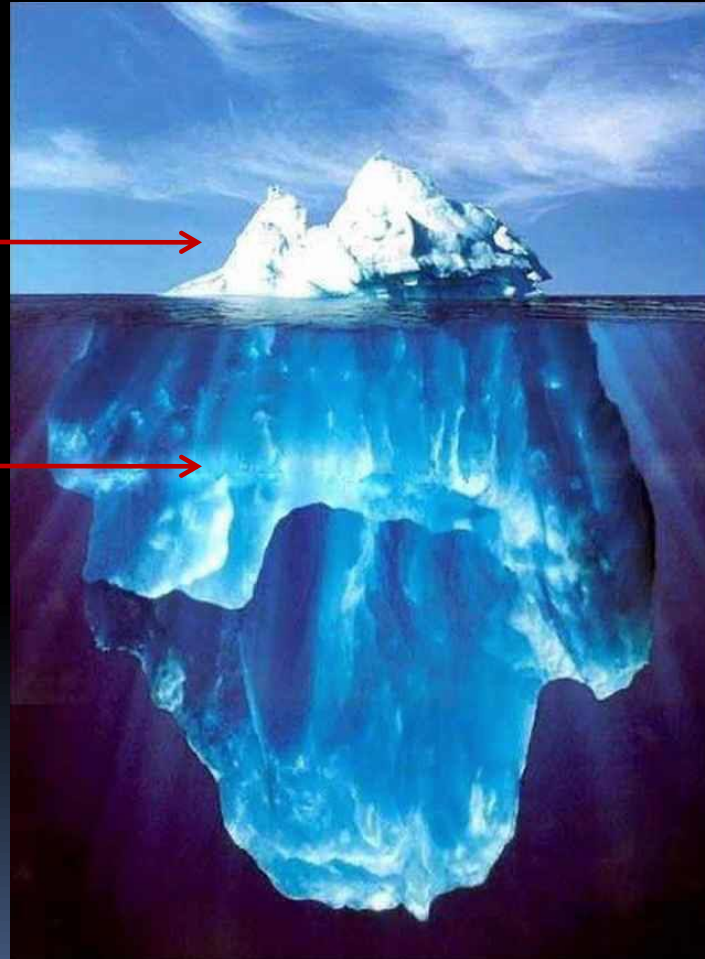
# Positions vs. Interests



# Positions vs. Interests

Position=stand/demand →

Interest=hidden need →



# Moving From Positions to Interests

- Curiosity
- Open Questions
- Active Listening
- Reframing



# Case Study

# Dispute Resolution Skills for FOIA Professionals

- Free, one full day with take-away tools
- Every two months at National Archives downtown DC (and through ASAP)
- Offering both inter-agency classes & customized agency-specific classes

# The FOIA Ombudsman: Information and Advice

[blogs.archives.gov/foiablog](http://blogs.archives.gov/foiablog)

# Contact OGIS:

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